



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
OPR:20	
EFFECTIVE DATE: 07/01/2015	ORIGINAL ISSUED ON: 05/04/2001
REVISION NO: 4	

SUBJECT: DPS CANINE (K-9) HANDLERS

1.0 PURPOSE

The purpose of this policy is to establish guidelines and procedures for the application and utilization of the Unit Canine Handlers of the New Mexico Department of Public Safety.

2.0 POLICY

It is the policy of the Department of Public Safety to maintain a group of specially trained and equipped canine handlers.

3.0 APPLICABILITY

This policy applies to all commissioned officers of the Department of Public Safety.

4.0 REFERENCES

NONE

5.0 DEFINITIONS

- A. Apprehension** – Any patrol canine deployment resulting in the canine physically controlling, which may include biting.
- B. Bite** – Any break in the skin caused by the teeth of a K-9.
- C. Canine or K-9** – A specially trained domestic dog, assigned to a DPS commissioned officer.
- D. Certification Testing** – A comprehensive practical and written examination given by a certified trainer, evaluating the proficiency of the handler and the K-9.
- E. Detection Canine** – A specially trained dog used to detect, by scent, contraband such as narcotics, explosives, etc.
- F. Dual Purpose Canine** – A canine trained in patrol and detection.
- G. Exigent Circumstances** compelling need (such as imminent destruction of evidence) for official action when there is no reasonable opportunity to secure a warrant.
- H. Handler** – The officer/agent assigned to care for and maintain an assigned K-9.
- I. K-9 Team** – Consists of an officer/agent and assigned K-9.
- J. Patrol Canine** – A specially trained dog certified for field use in the detecting, detaining, physically apprehending, and/or controlling a subject.

- K. Probable Cause to Search** – Facts or circumstances that lead a reasonable officer to believe items to be searched are connected with criminal activity and that these items will likely be found in the place to be searched.
- L. Proficiency Training** – Training required to maintain the skill of the K-9.
- M. Reasonable Suspicion** – Individualized suspicion that the individual in question may have committed a crime. Reasonable suspicion is more than a mere hunch.
- N. Search** – To explore thoroughly.
- O. Sniff** – Utilization of a K-9 to smell out or inspect a given area.
- P. Training Aid** – An article/item used by the handler for proficiency training of the K-9, e.g., controlled substance.

6.0 PROCEDURE

DPS Canine (K-9) Handlers will be utilized to detect and prevent criminal activity within the state of New Mexico. Canine handlers will be available to law enforcement divisions of DPS as well as other police and governmental agencies within the state.

- A. Mission** – Canine (K-9) handlers will consist of commissioned DPS officers. K-9 Teams are designed to be mobile and highly flexible, and will perform assignments that require the services of trained and skilled members to perform specialized day-to-day operations. These operations include, criminal detection/enforcement efforts and criminal apprehension. DPS Canine Handlers will function primarily as a unit of DPS, but other agencies will not be excluded from its special assistance.
- B. Activation and Deployment** – A canine handler may be activated when an officer/agent requests assistance in contraband detection, in locating and apprehending subjects suspected of illegal activity, in searching for subjects who have fled from an officer/agent, subjects that are hiding in buildings or related structures, in crowd control, in tracking missing persons, criminals, or concealed evidence of a crime, or for explosive detection.
 - 1. K-9 teams are available for activation on a twenty-four (24) hour, on-call basis and are subject to overtime provisions per DPS Policy. Their use includes but may not be limited to:
 - a. Conducting building searches for what are believed to be serious felony or armed misdemeanor suspects in hiding;
 - b. Assisting in the arrest or prevention of the escape of serious or violent offenders;
 - c. Protecting officers or others from death or serious injury; and
 - d. Engaging in assignments not listed here with the approval of the K-9 team supervisor.
 - 2. A K-9 team may be used to respond to minor complaint situations. In such a case, the K-9 should not be deployed unless criteria for a deployment, found in subsection 6.0 B. are met.

3. Canine warnings must be issued prior to deploying a patrol canine on any search, concealed human, or apprehension. Warnings may not be issued if logistically or tactically unfeasible. The warnings to be used are as follows:
 - a. On a visible subject: "Police, stop or I will send the dog."
 - b. On a search for a subject outside of the view of the officer: "Police, speak to me now or I will send the dog."
 - c. Warnings must be issued a minimum of three (3) times.
4. K-9 assistance may be requested from any officer through an immediate supervisor to the communications center. Communications center personnel shall forward request information concerning the incident to the canine handlers chain of command or an available canine handler.
5. *Activation and Deployment for Narcotic/Illegal Substance Detection*
 - a. *Conveyances* – The K-9 may be deployed upon conveyances under the following conditions, including but not limited to:
 - i. When the officer/agent has reasonable suspicion that illegal substances are contained within a vehicle.
 - ii. During a valid vehicle stop, the K-9 may be used to sniff the exterior of the vehicle if suspicion exists that the vehicle contains illegal substances.
 - iii. Interior sniffs may be conducted if the officer possesses an approved search warrant, verbal or written consent to search from the driver, or probable cause along with exigent circumstances.
 - iv. All deployments will be at the discretion of the handler.
 - b. *Roadblocks*
 - i. A K-9 may be utilized, when reasonable suspicion or probable cause exists to sniff the exterior of a particular vehicle.
 - ii. A K-9 may be utilized for random exterior sniffs at permanent or temporary checkpoints. The length of the stop should not be extended for the purpose of utilizing a K-9.
 - c. *Privately-Owned Businesses/Locations with Public Access* – A K-9 may be utilized to randomly sniff areas that are open to public access, with consent from the business management, including but not limited to, hotel/motel parking lots, bus terminals, train terminals, airport terminals, etc.
 - d. *Parcel Service* – A K-9 may be utilized to randomly sniff parcel post, with the consent from the service's management, including Federal Express, United Parcel Service, Airborne Express, Mailboxes, etc., and others.
 - e. *Private Residences* – A K-9 will not be deployed at a private residence without an approved search warrant, consent from someone who is in power to grant consent, or probable cause with exigent circumstances.
 - f. *Search Warrants* – A K-9 will not be utilized pursuant to a search warrant unless the warrant specifies controlled substances to be seized.

- g. *Persons* – Under **no** circumstances will a K-9 be utilized to sniff persons for controlled substances; however, trained/certified K-9s may be deployed to detect concealed humans.

6. *Activation and Deployment for Locating and Apprehending Suspects*

- a. The deployment of a canine for locating and apprehending a suspect is considered a less lethal use of force. Officers may use only that level of force that is objectively reasonable to bring an incident under control. Use of less-lethal force shall be consistent with the Reactive Control Model (RCM). Refer to DPS Policy *OPR: 01 Use of Force* for further direction.
- b. Decisions to deploy a canine on an armed or unarmed subject are at the discretion of the canine handler and shall be based upon the following criteria:
 - i. On the severity of the crime.
 - ii. Whether the suspect and circumstances pose an immediate threat and a reasonable apparent danger to the safety of the officers or others and the deployment of a canine is necessary for the protection of the handler, the canine, officers, or citizens.
 - iii. Whether there is reason to believe that a suspect is believed to have committed a crime and is actively resisting arrest or attempting to evade arrest.
 - iv. If no crime has been committed, K-9 teams should not be used to apprehend anyone suspected to be under the influence of drugs or alcohol.
 - v. K-9 teams shall not be used to apprehend a mentally ill subject if no crime has been committed.
 - vi. K-9 handlers shall take extra care and alternative options should be considered when deciding to deploy a canine during an incident involving juvenile suspects.
 - vii. Where a tactical deployment is justified by agency policy, the tactical measures used shall be at the discretion of the canine handler and must be objectively reasonable.
 - viii. A K-9 shall not be handled or given commands by anyone other than the assigned handler unless extenuating circumstances exist.

7. *Activation and Deployment for the Search of Suspects Hiding in Buildings or Related Structures.*

A primary use of a K-9 is for locating suspects in buildings or related structures. These searches shall be governed by the following.

- a. The building perimeter shall be secured by law enforcement personnel.
- b. Whenever possible, the building's owner should be contacted to determine whether there may be tenants or others in the building and to ascertain the building's layout.

- c. When the search of a building is anticipated, a preliminary search by officers should not be conducted because this will interfere with the K-9's ability to discriminate scents.
 - d. The on-scene supervisor shall also take the following steps in preparation for the K-9 search.
 - i. Evacuate all tenants, workers, or others from the facility.
 - ii. Request that all air conditioning, heating, or other air-blowing systems be shut off so as not to interfere with the canine's senses.
 - e. Upon entrance to the building, all exits should be secured and communications limited to that of a tactical nature.
 - f. The K-9 may be unleashed during a building search unless there is an imminent risk of injury to persons within the facility that are not the subject of the search.
 - i. The K-9 should be released once a backup officer is available to work with the K-9 team.
 - ii. Except in exigent circumstances or where there is an imminent danger of death or serious injury, the K-9 should be kept in visual contact by the canine handler.
 - g. The K-9 should not be used to search facilities that contain substances potentially harmful to the animal unless overriding risk to human life is present.
 - h. Before commencing a search, the handler or other appropriate person shall make an amplified announcement that is recorded. The announcement shall be that there are police officers on the premises and that a trained police K-9 will be released and may bite if they do not surrender and comply. The announcement shall be repeated.
 - i. A reasonable amount of time shall be allowed for the suspect to respond. This warning shall be repeated on each level of all multilevel structures.
 - ii. Where there is a reasonable belief that the suspect speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and if the exigency of the situation permits.
 - i. When apprehending suspects, the K-9 shall be commanded to disengage as soon as the suspect is subdued or complies with the officer's direction.
 - j. Arrestees shall not be transported in the same vehicle with a K-9 unless alternative transportation is not available and immediate transport is essential for safety or security reasons.
8. *Activation and Deployment for Crowd Control*
- a. K-9 teams may respond as backup but shall not deploy a K-9 for crowd control at peaceful demonstrations.

- b. K-9 teams may be used upon approval of the handler's supervisor or designee to protect life or property during a riot or other major unlawful assembly after an order to disperse has been made. In these situations, the following shall be adhered to;
 - i. K-9's shall be short-leashed at all times to protect individuals from serious injury, and
 - ii. K-9 Teams shall not initiate any offensive action, unless to guard against imminent loss of life, serious bodily injury, or substantial property damage.
- 9. *Activation and Deployment for Tracking Missing Persons, Criminal Suspects, or Concealed Evidence of a Crime.*

Where trained K-9's are available for tracking, they may be used with supervisory approval to track missing persons or criminal suspects or to locate evidence that the supervisor has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

- a. When pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a K-9 team, shall:
 - i. Stop and pinpoint the location where the suspect was last seen;
 - ii. Shut off engines of vehicles in the area if possible; and
 - iii. Avoid vehicle or foot movements in the area where the suspect was last seen.
- b. K-9's used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the K-9's tracking abilities.
- c. On-scene supervisory personnel shall:
 - i. Secure the perimeter of the area to be searched;
 - ii. Secure the integrity of the area to be searched by keeping all personnel out of the area; and
 - iii. Protect all items of clothing that will be used for scent from being handled.
- 10. *Activation and Deployment for Explosive Detection.*

Explosive detection K-9 teams will be activated by the Explosive Ordnance Disposal, (EOD) Supervisor and shall be under the direction and control of the lead EOD Technician when deployed. An explosive detection K-9 team shall not conduct a search or a sweep without an EOD technician present unless authorized to do so by an EOD technician or EOD Supervisor.

C. Canine Handlers Requests for Service

- 1. K-9 team intra-district call-outs will be approved by the canine handler's chain of command.

2. K-9 team out-of-district call-outs will be requested through the chain of command to the canine handler's chain of command. If the request is approved, orders will be sent through the chain of command with all pertinent information, e.g., dates of assignment, handler assigned, etc.
3. Other agency requests for assistance will be forwarded to the canine handler's chain of command.

D. Canine Handler Responsibilities

1. The overall health and welfare of the Department issued K-9 is the assigned handler's responsibility. DPS canines shall not be used for breeding, participation in shows, field trials, exhibitions or other demonstrations. On-or-off-duty employment not associated with DPS assignments is not allowed unless authorized by the canine handler's chain of command.
2. When in contact with the public, handlers will follow the following "Rules of Public Contact" guidelines:
 - a. At no time will a canine be left unattended with anyone other than a certified Handler, Instructor or authorized personnel.
 - b.

Any public demonstration should have prior approval from the K-9 supervisor. The handler should only perform public demonstrations with a Patrol K-9 off leash in a secure and controlled environment.
 - c. During any contacts with the public, always be aware of and control the canine's head.
 - d. Never allow the canine to jump on any person when not in the performance of his duties or in training.
 - e. Never leave the canine chained or tied to an object.
3. Medical Care.
 - a. Non-Emergency – Veterinarian visits will be coordinated by the handler with approval from a canine supervisor. Preventative treatments will be kept current and documented.
 - b. Emergency – Emergency medical treatment will be rendered by the designated veterinarian, if practical. The handler will submit a report to the appropriate canine supervisor as soon as practical following the emergency.
4. K-9 Care and Maintenance of K-9 Equipment.
 - a. The K-9 will be groomed and brushed at least three (3) times per week.
 - b. The general health of the K-9 will be checked daily.
 - c. Any indication that the K-9 is unfit for duty will be reported to the K-9 supervisor immediately.

- d. Equipment will be inspected prior to each tour of duty. Defective equipment will be brought to the attention of the appropriate canine supervisor.
 - e. Department K-9 vehicles will be maintained in good operating condition. The interior will be cleaned and disinfected at least every two (2) weeks.
 - f. DPS shall provide canine handlers with proper housing for their K-9 and will conduct periodic inspections to ensure that the housing is properly maintained.
5. Unattended K-9 Unit.
- a. When a K-9 unit is unattended, and if the rear windows are covered with screens, they may be opened all the way for maximum ventilation while the K-9 is inside the vehicle.
 - b. K-9s will be equipped with “hot-dog” sensors or a similar system. These sensors will be utilized as appropriate.
 - c. Handlers will leave their K-9s unattended in a manner consistent with their training.
6. Abuse or Neglect of K-9.
- a. Handlers will not abuse their assigned K-9s or neglect them from proper care.
 - b. Handlers found to be abusing or neglecting their assigned K-9s will be subject to immediate disciplinary action.
7. Handlers will maintain all health, training, and deployment records pertaining to their assigned K-9s.
8. Notification of Arrests, Seizures, or any Injuries.
- Handlers will be responsible for notifying his/her chain of command of arrests, seizures, injuries to assigned K-9s, or injuries or damage caused by assigned K-9s.
9. Off-Duty Maintenance.
- The handler is authorized one (1) hour of compensable maintenance time per day during regular days off or holidays to care for the K-9.

E. Training

- 1. Once selected as a canine handler the candidate must successfully complete and pass the classroom curriculum, the skill portion and performance evaluation standards, as set forth by the United States Border Patrol National Canine Facility (USBP-NCF) or K-9 School equivalent. Once the candidate has passed the classroom and skills curriculum, the K-9 team must certify using the certification standards as set forth by the USBP-NCF, or school deemed equivalent by chain of command
- If the candidate is unable to successfully complete and pass the USBP curriculum or equivalent schooling he/she shall return back to his/her assigned district and will not be able to participate in any other K-9 interviews for a period of two (2) years.

2. Each handler is authorized one (1) hour of on-duty training per day, plus a continuous four (4) hour block of instruction weekly per discipline.
3. All canine handlers will participate, as budget allows, in group performance training. Training will be of an advanced nature, to include a variety of controlled substance and explosive aides for explosive detector K-9. All assigned controlled substances will be inspected and accounted for during this training by the first-line canine supervisor.
4. All simulated training will be as realistic as possible.
5. Training will be conducted with actual controlled substances unless training with pseudo/scent logic has been authorized by a canine supervisor.
6. Training and deployment of K-9's shall employ the guard and bark, rather than the guard and hold method.
7. Re-certification of K-9 teams will be conducted annually.
8. All training will be documented.
9. Training Aids – All canine handlers will be issued training aids to be utilized for maintenance training with their assigned K-9. Refer to Department policy *OPR: 17 Evidence/Property Handling* for procedures relating to controlled substance training aids.

F. K-9 Bites

In the event of a K-9 bite, the handler will notify his/her appropriate supervisor as soon as practical. The following guidelines will be adhered to:

1. Bite during a apprehension incident:
 - a. The handler will request EMS to scene to assess the level of injury. If necessary, the subject will be transported to a medical facility. If the subject is under arrest, *OPR: 33 Arrests* will be followed.
 - b. For all bites during a criminal apprehension incident, the handler will follow *OPR: 01 Use of Force* guidelines.
2. Accidental bites during contraband detection:
 - a. The handler will make arrangements to have the victim transported to the nearest medical facility, if necessary.
 - b. The handler will provide the victim with the following information:
 - i. The name and identification number of the officer/handler.
 - ii. The name of the K-9.
 - c. The handler will obtain the following information from the victim:
 - i. Name
 - ii. Birth Date

- iii. Current address
- iv. Current telephone number
- v. Attending physician or treating party
- e. An audio/video taped statement will be taken from the victim and/or witnesses, if possible.
- f. The handler will obtain the name, birth date, current address, and telephone number from every witness to the incident.
- g. The handler will arrange for color photographs to be taken of the affected bite area after the wounds have been cleaned, and prior to the application of Betadine solution.
- h. A detailed Intra-Departmental Correspondence (IDC) must be submitted to the Office of the Chief, through the appropriate chain of command, which will include the above information and a description of the actions leading up to the bite incident.
- i. If the victim refuses medical treatment or transportation for medical treatment, the information, along with the reason for refusal, must be included in the IDC.
- j. In the event a K-9 accidentally bites the handler, the handler should receive medical attention immediately, if necessary. The incident should then be documented as per department policy *PRS: 11 Duty Injury*.
- k. Animal Control will be contacted in cases of K-9 bites involving any persons other than the handler.

G. Kennels

1. Department-issued K-9s will be kept at the homes of their handlers, in kennels, or quarters approved and/or provided by the Department. The kennels will be kept clean and sanitary at all times.
2. K-9s will be securely kenneled or under the control of their handlers while off-duty. The K-9 will not be lodged at another location, other than the handler's residence, unless approved by the appropriate handler's supervisor.
3. When the handler anticipates taking vacation or an extended number of days off, the handler will notify the appropriate handler's supervisor. If necessary, the handler will make arrangements for the care and kenneling of the K-9 while on vacation or on extended time off.
4. The K-9 will not be allowed to roam at will.
5. Handlers will ensure a secure and restful home environment for their K-9s. The K-9 must be safe and not at risk from attacks by persons, wild animals, or neighborhood pets.

H. Uniforms

Refer to department policy *ADM: 24 State Police Uniforms*, for the uniform designated for canine handlers.

I. Application for Membership

1. Officers interested in being assigned as a canine handler must submit a request through their appropriate chain of command to the Office of the Chief.
2. Applicants will be interviewed by existing canine handlers, the Special Operations Bureau Commander, and/or the Investigations Bureau Commander, as applicable, and anyone else deemed appropriate to participate in the interview for the vacant position.
3. A list of those officers chosen to be assigned as a canine handler will be provided to the Office of the Chief by the Special Operations Bureau Commander or the Investigations Bureau Commander, as applicable.
4. The State Police Chief, or designee, will have the final authority over assigning and removing officers to/from as a canine handler.
5. New canine handlers will be placed on probationary status for a period of not less than one (1) year. As of July 1, 2015 all DPS commissioned personnel will operate under State Police Policy and Procedures. Under State Police policy the probationary period is two (2) years. Any member who fails to demonstrate acceptable performance during the probationary period may be removed as a canine handler by the Chief at the request of a canine supervisor with concurrence from the Special Operations Bureau Commander or Investigations Bureau Commander, as applicable.
6. All DPS commissioned personnel will follow the appropriate appointment process in accordance with State Personnel Board Rules and the agreement between the State of New Mexico and the New Mexico Motor Transportation Division Employee Association. As of July 1, 2015 all DPS commissioned personnel will operate under State Police policies and procedures. Those processes are in addition to the requirements set forth in this policy.

J. Retirement of Department Canines

Should it become necessary to retire a canine from service with the department, the department may transfer ownership of the animal to its last handler, or another interested party approved by the Office of the Chief, provided they wish to accept the K-9, and sign suitable releases, i.e. releasing the DPS and its employees from future liability.

K. Issued Equipment

1. All canine handlers will be issued the following equipment:
 - Issued Canine
 - Reflective Collar, Fur Saver (Collar), Power Collar (K-9 specific)
 - Two (2) Leashes, 4' Lead and 20' Lead
 - Muzzle
 - Water Bucket, Two (2) Food Bowls

- Dog First Aid Kit
- Dog Brush
- Dog Shampoo
- Large Dog Kennel, Portable Travel Kennel, Kennel for Unit
- Dog Toys, Chew Toys
- “Pooper Scooper”
- Disinfectant
- K-9 Training Log Book
- K-9 Deployment Log
- Bite Suit (one [1] suit shared by entire team)
- Concealed Sleeve (two [2])
- Exposed Sleeve (one [1])
- Jute Cuff (one [1])
- Scratch Pants (one [1])
- Agitation Stick (four [4])
- Neoprene Gauntlet (one [1])
- German Muzzle (one [1])
- Power Collar (one [1])
- Pinch Collar (one [1])
- Tracking Harness (one [1])
- 2” Agitation Collar (one [1])
- 10 Meter 1” Nylon Long Line (one [1])

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY: s/Gregory J. Fouratt **DATE:** July 1, 2015
DPS Cabinet Secretary